

SEP 21 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

W. George Parker, President
Adco Chemical Company
49 Rutherford Avenue
Newark, New Jersey 07105

Re: Request for Information Under 42 U.S.C. §9601 et seq.
Diamond Alkali Superfund Site, Passaic River Study Area

Dear Mr. Parker:

The United States Environmental Protection Agency ("EPA") is investigating the presence of hazardous substances in the sediments of the Passaic River. EPA is charged with responding to the release and/or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9601 et seq.

EPA has reviewed your response to the previous "Request for Information," your response and the previous Request are hereby attached. Based on its review, EPA is requesting additional information about your operations and the nature and quantity of certain materials (hazardous substances and hazardous waste, as those terms are defined at Section 101(14) of CERCLA, 42 U.S.C. §9601(14), and Section 1004 of RCRA, 42 U.S.C. §6903 respectively) which may have been generated, treated, stored, or disposed at your facilities located in Newark, New Jersey. EPA makes its request pursuant to Section 104 of CERCLA, 42 U.S.C. §9604.

As with the earlier "Request for Information", please provide the information requested in Attachment A of this letter, and include, as required, the "Certification of Answers to Request for Information" with your notarized signature, and please follow the instructions provided in Attachment B.

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Your response to this "Request for Information" should be postmarked or received by EPA within thirty (30) calendar days of your receipt of this letter. Your response should be mailed to:

Matthew Fox, Remedial Project Manager
Emergency and Remedial Response Division
U.S. Environmental Protection Agency
290 Broadway, Floor 19
New York, New York 10007-1866

with a copy to Ms. Kedari Reddy, Assistant Regional Counsel,
Office of Regional Counsel, Floor 17 at the same address.

Your failure to respond to this "Request for Information" within the time specified above may subject you to an enforcement action under Section 104(e) (5) of CERCLA, 42 U.S.C. §9604(e) (5). An enforcement action may include the assessment of penalties of up to \$27,500 for each day of continued noncompliance.

Be advised that you are under a continuing obligation to supplement your response if information not known or not available to you as of the date of submission of your response should later become known or available. If at any time in the future you obtain or become aware of additional information and/or find that any portion of the submitted information is false, misleading or misrepresents the truth, you must promptly notify EPA. If any part of your response is found to be untrue, you may be subject to criminal prosecution.

If desired, you may assert a business confidentiality claim covering all or part of the information requested by this letter. The claim must be supported by each of the four factors specified in Section 104(e) (7) (E) of CERCLA, 42 U.S.C. §9604(e) (7) (E), and must be asserted at the time of submission, by placing on (or attaching to) the information a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret", or "proprietary", or "company confidential". Information covered by such a claim will be disclosed by EPA only to the extent and by means of procedures set forth in Title 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C.

Sections 3501-3520.

If you have any questions concerning this "Request for Information," please contact Mr. Fox at (212) 637-4976 or Ms. Reddy at (212) 637-3106. Inquiries from attorneys should be directed to Ms. Reddy. Your cooperation is appreciated.

Sincerely yours,

Janet Conetta
Strategic Integration Manager
Emergency and Remedial Response Division

Enclosures

cc: Fred Zimmerman, Esq.

bcc: M. Fox

K. Reddy ✓

Attachment A

1. Operation of the company:

a. Years during which Adco operated at Rome Street (in what month did Adco vacate)?

b. Years during which Adco operated at Rutherford Street?

2. EPA has information that toluene as well as ethyl benzene is used in your processes at Rutherford Street. Were these substances used in your operation at Rome Street?

3. At the time you sent in your previous response, you were looking for drawings related to storm and sanitary sewers at the facility. Please forward any drawings found. If no drawings were found, please identify the steps taken to locate the drawings and state the person or persons who have or last had custody or such drawings.

4. According to the attached Passaic Valley Sewerage Commissioners Reports, there were several discharges of latex emulsion at your facility at Rome Street. At the time of your last response, you were looking for information regarding these discharges. Please provide any information found, including details of each incident, sampling results, actions taken to remedy the discharges, and actions taken to prevent other such incidents. If no information was found, please state the steps taken to locate the information.

5. Please provide the names of former employees who worked for the facility in the 1970s, especially those who would be familiar with the incidents of latex emulsion leakage, and their most recent known addresses and/or telephone numbers.

ATTACHMENT B

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A complete separate response must be made to each individual question in this "Request for Information".
2. Precede each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all current or former employees and agents of your company who may be familiar with the matter to which the question pertains.
4. Interpret "and" as well as "or" to include within the scope of the question as much information as possible. If two interpretations of a question are possible, use the one that provides more information.
5. If you are unable to give a detailed and complete answer or to provide any of the information or documents requested, indicate the reasons for your inability to do so.
6. If you have reason to believe that an individual other than one employed by your company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.
7. For each document produced in response to this "Request for Information", indicate on the document, or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this "Request for Information", state the reason for, and the subject matter of, the deletion.
9. Provide all documents that relate to each question. If a document is requested but is not available, state the reason for its unavailability. In addition, to the best of your ability, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. As used herein "relate to" or "relating to" means constituting, defining, containing, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to. "Document" as used herein means any recording of information in tangible form, including memoranda, handwritten notes, invoices, checks, manifests, tape recordings, computer databases, or any tangible or physical objects however produced or reproduced upon which words or other information "are affixed or recorded or from which by appropriate transcription written

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matter or a tangible thing may be produced.

11. Whenever in this "Request for Information" there is a request to identify a person or an entity other than a person, state the person or entity's full name, last known employment, present or last known home address, and telephone number.

12. As used herein, the term "facility," "hazardous substance," "person," and "release" shall have the meaning set forth in Section 101(9), (14), (21) and (22) of CERCLA, 42 U.S.C. §9601(9), (14), (21), and (22), respectively.

13. In answering these questions, every source of information to which you have access should be consulted, regardless of whether the source is in your immediate possession or control. All documents or other information, including records of all types of manufacturing, treatment, transportation or disposal operations, in your possession or in the possession of the Corporation should be consulted. If you do not have access to certain information and/or documents, state the nature of this information and/or documents, and indicate in whose possession they can be found.